

To: Senate Local Government Committee

From: John Goodyear, General Counsel

Date: January 30, 2024

RE: Testimony in Opposition to SB 346

I want to thank Chairwoman McGinn and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to SB 346.

Each year, the member cities of the League convene to discuss policy proposals and determine the organization's positions on issues that may come up and establish our Statement of Municipal Policy for the year. The protection and preservation of local control is always our top priority, and specific to zoning legislation, our membership has directed us to support the continued ability of local officials to make land use and zoning decisions within their community.

The ability to craft, develop, and revise planning and zoning provisions are integral to long-term community development and the protection of public health, safety, and welfare. The Legislature and the courts have long recognized this authority and afforded deference to local governing bodies to make these decisions. SB 346 would be a significant and unwarranted departure from the established legislative regime.

One thing of note in rezoning proceedings is that, while a local governing can currently initiate the process, they cannot simply rezone a property without some opportunity for the involvement of property owners and those affected. K.S.A. 12-757 mandates general notice, individual notice, a hearing before the planning commission, a finding by the planning commission, determinations by the governing body, and generally allows for petition that increases the threshold votes necessary for the rezoning to take place. If a rezoning is proposed by the governing body that the public is not in favor of, the current framework affords ample opportunity to demonstrate concerns. The current process necessitates community involvement and input. The effect of SB 346 will not be greater community involvement – rather it could often be slowed or halted development or inability of the governing body to respond to the needs of the community.

The League is opposed to SB 346 would ask that the committee not recommend it favorably for passage.